

Please type a plus sign (+) inside this box [+]

PTO/SB/05 (12/97)  
Approved for use through 09/30/00. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 003867.P001

Total Pages 3

First Named Inventor or Application Identifier David A. Beyer

Express Mail Label No. EL034159621US

ADDRESS TO: Assistant Commissioner for Patents  
Box Patent Application  
Washington, D. C. 20231

### APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. X Fee Transmittal Form  
(Submit an original, and a duplicate for fee processing)
2. X Specification (Total Pages 43+cover page)  
(preferred arrangement set forth below)
  - Descriptive Title of the Invention
  - Cross References to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to Microfiche Appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claims
  - Abstract of the Disclosure
3. X Drawings(s) (35 USC 113) (Total Sheets 6)
4. X Oath or Declaration (Total Pages 5)
  - a. X Newly Executed (Original or Copy)
  - b.     Copy from a Prior Application (37 CFR 1.63(d))  
(for Continuation/Divisional with Box 17 completed) (**Note Box 5 below**)
  - i.     DELETIONS OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
5.     Incorporation By Reference (useable if Box 4b is checked)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6.     Microfiche Computer Program (Appendix)
7.     Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
  - a.     Computer Readable Copy
  - b.     Paper Copy (identical to computer copy)
  - c.     Statement verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

8. ☒ Assignment Papers (cover sheet & documents(s))
9. ☐ a. 37 CFR 3.73(b) Statement (where there is an assignee)
- ☒ b. Power of Attorney
10. ☐ English Translation Document (if applicable)
11. ☒ a. Information Disclosure Statement (IDS)/PTO-1449
- ☒ b. Copies of IDS Citations
12. ☐ Preliminary Amendment
13. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
14. ☐ a. Small Entity Statement(s)
- b. Statement filed in prior application, Status still proper and desired
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☒ Other: Attorney's Signature Page and Express Mail Certification
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

17. If a **CONTINUING APPLICATION**, check appropriate box and supply the requisite information:
- ☐ Continuation      ☐ Divisional      ☐ Continuation-in-part (CIP)
- of prior application No: \_\_\_\_\_

**18. Correspondence Address**

\_\_\_\_\_ Customer Number or Bar Code Label \_\_\_\_\_

or

(Insert Customer No. or Attach Bar Code Label here)

☒ Correspondence Address Below

NAME Tarek N. Fahmi

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

ADDRESS 12400 Wilshire Boulevard

Seventh Floor

CITY Los Angeles      STATE California      ZIP CODE 90025-1026

Country U.S.A.      TELEPHONE (408) 720-8598      FAX (408) 720-9397

## FEE TRANSMITTAL

TOTAL AMOUNT OF PAYMENT (\$) 1580.00

Complete if Known:

Application No. \_\_\_\_\_

Filing Date \_\_\_\_\_

First Named Inventor David A. Beyer

Group Art Unit \_\_\_\_\_

Examiner Name \_\_\_\_\_

Attorney Docket No. 003867.P001

jc612 U.S. PTO  
09/248738  
02/10/99

### METHOD OF PAYMENT (check one)

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 02-2666

Deposit Account Name \_\_\_\_\_

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

- ☐ Charge the Issue Fee Set in 37 CFR 1.18 at the Mailing of the Notice of Allowance, 37 CFR 1.131(b)

2. ☒ Payment Enclosed  
☒ Check  
☐ Money Order  
☐ Other

### FEE CALCULATION (fees effective 11/10/98)

#### 1. FILING FEE

| Large Entity |          | Small Entity |          | Fee Description                    | Fee Paid         |
|--------------|----------|--------------|----------|------------------------------------|------------------|
| Code         | Fee (\$) | Code         | Fee (\$) |                                    |                  |
| 101          | 760      | 201          | 380      | Utility application filing fee     | <u>760.00</u>    |
| 106          | 310      | 206          | 155      | Design application filing fee      | _____            |
| 107          | 480      | 207          | 240      | Plant filing fee                   | _____            |
| 108          | 760      | 208          | 380      | Reissue filing fee                 | _____            |
| 114          | 150      | 214          | 75       | Provisional application filing fee | _____            |
| SUBTOTAL (1) |          |              |          |                                    | <u>\$ 760.00</u> |

#### 2. CLAIMS

|                           |           |        | Extra     |   | Fee from below |   | Fee Paid      |
|---------------------------|-----------|--------|-----------|---|----------------|---|---------------|
| Total Claims              | <u>59</u> | - 20 = | <u>39</u> | X | <u>18</u>      | = | <u>702.00</u> |
| Independent Claims        | <u>4</u>  | - 3 =  | <u>1</u>  | X | <u>78</u>      | = | <u>78.00</u>  |
| Multiple Dependent Claims |           |        |           | X |                | = |               |

| Large Entity |          | Small Entity |          | Fee Description   | Fee Paid         |
|--------------|----------|--------------|----------|---|------------------|
| Code         | Fee (\$) | Code         | Fee (\$) |   |                  |
| 103          | 18       | 203          | 9        | Claims in excess of twenty                              | <u>702.00</u>    |
| 102          | 78       | 202          | 39       | Independent claims in excess of 3                       | <u>78.00</u>     |
| 104          | 260      | 204          | 130      | Multiple dependent claim                                | _____            |
| 109          | 78       | 209          | 39       | Reissue independent claims over original patent         | _____            |
| 110          | 18       | 210          | 9        | Reissue claims in excess of 20 and over original patent | _____            |
| SUBTOTAL (2) |          |              |          |   | <u>\$ 780.00</u> |

### FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

| Large Entity              |          | Small Entity |          | Fee Description  | Fee Paid     |
|---------------------------|----------|--------------|----------|--|--------------|
| Fee Code                  | Fee (\$) | Fee Code     | Fee (\$) |  |              |
| 105                       | 130      | 205          | 65       | Surcharge - late filing fee or oath  |              |
| 127                       | 50       | 227          | 25       | Surcharge - late provisional filing fee or cover sheet                     |              |
| 139                       | 130      | 139          | 130      | Non-English specification  |              |
| 147                       | 2,520    | 147          | 2,520    | For filing a request for reexamination                                     |              |
| 112                       | 920*     | 112          | 920*     | Requesting publication of SIR prior to Examiner action                     |              |
| 113                       | 1,840*   | 113          | 1,840*   | Requesting publication of SIR after Examiner action                        |              |
| 115                       | 110      | 215          | 55       | Extension for response within first month                                  |              |
| 116                       | 380      | 216          | 190      | Extension for response within second month                                 |              |
| 117                       | 870      | 217          | 435      | Extension for response within third month                                  |              |
| 118                       | 1,360    | 218          | 680      | Extension for response within fourth month                                 |              |
| 128                       | 1,850    | 228          | 925      | Extension for response within fifth month                                  |              |
| 119                       | 300      | 219          | 150      | Notice of Appeal   |              |
| 120                       | 300      | 220          | 150      | Filing a brief in support of an appeal                                     |              |
| 121                       | 260      | 221          | 130      | Request for oral hearing   |              |
| 138                       | 1,510    | 138          | 1,510    | Petition to institute a public use proceeding                              |              |
| 140                       | 110      | 240          | 55       | Petition to revive unavoidably abandoned application                       |              |
| 141                       | 1,210    | 241          | 605      | Petition to revive unintentionally abandoned application                   |              |
| 142                       | 1,210    | 242          | 605      | Utility issue fee (or reissue)   |              |
| 143                       | 430      | 243          | 215      | Design issue fee   |              |
| 144                       | 580      | 244          | 290      | Plant issue fee  |              |
| 122                       | 130      | 122          | 130      | Petitions to the Commissioner  |              |
| 123                       | 50       | 123          | 50       | Petitions related to provisional applications                              |              |
| 126                       | 240      | 126          | 240      | Submission of Information Disclosure Stmt                                  |              |
| 581                       | 40       | 581          | 40       | Recording each patent assignment per property (times number of properties) | 40.00        |
| 146                       | 760      | 246          | 380      | For filing a submission after final rejection (see 37 CFR 1.129(a))        |              |
| 149                       | 760      | 249          | 380      | For each additional invention to be examined (see 37 CFR 1.129(a))         |              |
| Other fee (specify) _____ |          |              |          |  |              |
| Other fee (specify) _____ |          |              |          |  |              |
| <b>SUBTOTAL (3)\$</b>     |          |              |          |  | <b>40.00</b> |

\*Reduced by Basic Filing Fee Paid

#### SUBMITTED BY:

Typed or Printed Name: Tarek N. Fahmi

Signature *Tarek N. Fahmi*

Date *2/10/99*

Reg. Number *41,402*

Deposit Account User ID \_\_\_\_\_

(complete if applicable)

11/30/98

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 2/10/99

By TNF

Tarek N. Fahmi  
Reg. No.: 41,402

12400 Wilshire Blvd.  
Seventh Floor  
Los Angeles, CA 90025-1026  
(408) 720-8598

"Express Mail" mailing label number: EL034159621US

Date of Deposit: February 10, 1999

I hereby certify that I am causing this paper or fee to be deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and that this paper or fee has been addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

Richard Pask

(Typed or printed name of person mailing paper or fee)

Richard Pask

(Signature of person mailing paper or fee)

2/10/99

(Date signed)

Serial/Patent No.: \*\*\*\*\* Filing/Issue Date: \*\*\*\*\*  
Client: RoofTop Communications Corporation  
Title: ADAPTIVE COMMUNICATION PROTOCOL FOR WIRELESS NETWORKING

BSTZ File No.: 003867.P001

Atty/Secty Initials: TNF/rap

Date Mailed: 2/10/99

Docket Due Date: \*\*\*

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Amendment/Response (____ pgs.)  | <input checked="" type="checkbox"/> Express Mail No. <u>EL034159621US</u>                        | <input checked="" type="checkbox"/> Check No. <u>26739</u> |
| <input type="checkbox"/> Appeal Brief (____ pgs.) (in triplicate)                                    | <input type="checkbox"/> _____ Month(s) Extension of Time  | Amt: <u>\$1580.00</u>                                      |
| <input checked="" type="checkbox"/> Application - Utility ( <u>44</u> pgs., with cover and abstract) | <input checked="" type="checkbox"/> Information Disclosure Statement & PTO 1449 ( <u>5</u> pgs.) | <input type="checkbox"/> Check No. _____                   |
| <input type="checkbox"/> Application - Rule 1.53(b) Continuation (____ pgs.)                         | <input type="checkbox"/> Issue Fee Transmittal   | Amt: _____   |
| <input type="checkbox"/> Application - Rule 1.53(b) Divisional (____ pgs.)                           | <input type="checkbox"/> Notice of Appeal  |  |
| <input type="checkbox"/> Application - Rule 1.53(b) CIP (____ pgs.)                                  | <input type="checkbox"/> Petition for Extension of Time  |  |
| <input type="checkbox"/> Application - Rule 1.53(d) CPA Transmittal (____ pgs.)                      | <input type="checkbox"/> Petition for _____  |  |
| <input type="checkbox"/> Application - Design (____ pgs.)  | <input checked="" type="checkbox"/> Postcard   |  |
| <input type="checkbox"/> Application - PCT (____ pgs.)   | <input type="checkbox"/> Power of Attorney (____ pgs.)   |  |
| <input type="checkbox"/> Application - Provisional (____ pgs.)                                       | <input type="checkbox"/> Preliminary Amendment (____ pgs.)                                       |  |
| <input checked="" type="checkbox"/> Assignment and Cover Sheet ( <u>2</u> pgs)                       | <input type="checkbox"/> Reply Brief (____ pgs.)   |  |
| <input checked="" type="checkbox"/> Certificate of Mailing   | <input type="checkbox"/> Response to Notice of Missing Parts                                     |  |
| <input checked="" type="checkbox"/> Declaration & POA ( <u>5</u> pgs.) (signed)                      | <input type="checkbox"/> Small Entity Declaration for Indep. Inventor/Small Business             |  |
| <input type="checkbox"/> Disclosure Docs & Orig & Copy of Invention Signed Letter (____ pgs)         | <input checked="" type="checkbox"/> Transmittal Letter, in duplicate ( <u>3</u> pgs)             |  |
| <input checked="" type="checkbox"/> Drawings: <u>6</u> # of sheets includes <u>7</u> figures         | <input checked="" type="checkbox"/> Fee Transmittal, in duplicate ( <u>2</u> pgs)                |  |

☒ Other: 10 Cited References

jc612 U.S. PTO  
09/248738  
02/10/99